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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,511	09/30/2003	Ken Matsushita	04329.3154	1656
22852	7590	06/14/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			IBRAHIM, MOHAMED	
		ART UNIT	PAPER NUMBER	
		2144		
		MAIL DATE	DELIVERY MODE	
		06/14/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/673,511	MATSUSHITA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohamed Ibrahim	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 09/30/2003.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

*mz*

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-7, 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "determines the minimum one of the size information as a maximum transferable size". It is not clear to the Examiner what is mean by the recited limitation. However, for prosecution purposes, Examiner interprets this to mean not just information about size rather the actual size of the data or packet or frame that is being transferred.

Claim 11 includes the phrase "the other (N)", however, claim 11 is an independent claim which mentions not 'N' prior to the use of N'; thus the phrase lacks the proper antecedent bases in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Eydelman et al (Eydelman), U. S. Application Publication Number 2002/0007420 A1. Regarding claim 1, Eydelman discloses a network relaying device (see e.g. [0008]; a plurality of alternative transport providers that provide mechanism for transferring data between application in the network is provided) comprising; a determining unit which detects size information for data transfer of devices including a transmitting-side device arranged on network, a transmitting-side network relaying device connected to the transmitting-side device, a receiving-side network relaying device for performing a relaying operation with the transmitting-side network relaying device, and a receiving-side device connected to the receiving-side network relaying device and arranged on the receiving-side networks, and which determines the minimum one of the size information as a maximum transferable size (see e.g. [0034]-[0035] and [0041]; system provides transport providers that have a determining unit which determines that size of the received data compare to the receive buffers and it finds it to be large, it fragments it and transfer via multiple transport provider devices); and an updating unit which updates a maximum transferable size information of the transmitting-side device based on the maximum transferable size determined by the determining unit (see e.g. [0066]; transport providers uses the "last received sequence of number" for resizing or fragmenting messages to update its information).

Regarding claim 2; Eydelman discloses wherein the size information detected by the determining unit is a receiving buffer size, and wherein the determining unit determines

the minimum one of the receiving buffer sizes as the maximum transferable size, when the determining unit determines that a request packet received by the network relaying device is aimed at investigating the receiving buffer sizes of the devices (see e.g. Fig. 3 and paragraph [0008]).

Regarding claim 3, Eydelman discloses wherein the size information detected by the determining unit is a usable maximum command size, and wherein the determining unit determines the minimum one of the maximum command sizes as the maximum transferable size, when the determining unit determines that a request packet received by the network relaying device is aimed at investigating the maximum command sizes of the devices (see e.g. paragraph [0027] and [0034]; determines if the received size for the receiving buffer is large enough).

Regarding claim 4, Eydelman discloses wherein the determining unit executes at least the detecting process at the time of activating the network relaying device (see e.g. paragraph [0029]).

Regarding claim 5, Eydelman discloses wherein the determining unit executes at least the detecting process at the time of resetting the bus of the network relaying device (see e.g. paragraph [0047]).

Regarding claim 6, Eydelman discloses wherein the updating unit receives a response

packet transmitted from the receiving-side device in accordance with a request packet from the transmitting-side device, and updates the response packet to the maximum transferable size determined by the determining unit (see e.g. paragraph [0065] and [0069]).

Regarding claim 7, Eydelman discloses wherein the updating unit receives a response packet transmitted from the receiving-side device in accordance with a request packet from the transmitting-side device, and updates the response packet to the maximum transferable size determined by the determining unit, the updated response packet is transferred to the transmitting-side device so that the transmitting-side device appropriately dividing a transmission packet in accordance with the maximum transferable size (see e.g. paragraph p[0070]-[0077]; explains how the receiving transport providers sends a response back to the sending transport provider).

Claim 8 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1. Furthermore Eydelman discloses regarding dividing unit which divides a packet received from the transmitting-side device in accordance with the maximum transferable size determined by the determining unit (see e.g. paragraph [0041]; Transport provider gathers statistics on whether the data should be fragmented or resize according to the receiving buffer).

Claims 9 and 10 are substantially the same as claims 2 and 3 and are thus rejected for

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reasons similar to those in rejecting claims 2 and 3, respectively.

Claims 11-17 list all the same elements as their corresponding claims 1-7, but in method form rather than system-device form. Therefore, the supporting rationale of the rejections to claims 1-7 applies equally as well to claims 11-17.

Claims 18-20 list all the same elements as claims 8-10, but in method form rather than system-device form. Therefore, the supporting rationale of the rejection to claims 8-10 applies equally as well to claims 18-20.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ibrahim whose telephone number is 571-270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MII/ *WV*



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